

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">vs.</div> THOMAS C. DEYLE, <div style="text-align: center;">Defendant.</div>)))))))))))	8:05CR208 ORDER
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This matter is before the court on the motion to continue by defendant Thomas C. Deyle (Deyle) (Filing No. 21). Deyle seeks a continuance of the trial of this matter to a time in September 2005. Deyle's counsel represents that counsel for the government has no objection to the motion. Deyle's counsel represents that Deyle will submit an affidavit in accordance with paragraph 9 of the progression order whereby Deyle consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Deyle's motion to continue trial (Filing No. 21) is granted.
2. Trial of this matter is re-scheduled for **September 19, 2005**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 18, 2005 and September 19, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 18th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge